

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Ryan Smith,

Plaintiff.

No. 2:20-cv-01778-KJM-DB

ORDER

Superior Farms,

Defendant.

The court has reviewed the parties' stipulated request to dismiss this action under Federal Rule of Civil Procedure 41, ECF No. 18. The court **grants the request to dismiss**. As provided by the stipulation the court **dismisses with prejudice plaintiff Ryan Smith's individual claims**. However, the putative class and collective action claims asserted in the complaint, ECF No. 1, are **dismissed without prejudice**. The court is satisfied that dismissal does not prejudice the putative class, given this case is only a year old and there is nothing in the record indicating class members are likely to have relied on this action to vindicate their interests. *See Del Rio v. CreditAnswers, LLC*, No. 10-346, 2011 WL 1869881, at *2 (S.D. Cal. May 16, 2011) (the court may consider ““whether the proposed settlement and dismissal are tainted by collusion or will prejudice absent putative members with a reasonable reliance expectation of the maintenance of the action for the protection of their interests,”” and the court may ““inquire into possible prejudice from . . . lack of adequate time for class members to file other actions, because of a

1 rapidly approaching statute of limitations.”” (quoting *Diaz v. Trust Territory of Pac. Islands*,
2 876 F.2d 1401, 1407–08 & n.3 (9th Cir. 1989)); *see, e.g., Castro v. Zenith Acquisition Corp.*,
3 No. 06-04163, 2007 WL 81905, at *2 (N.D. Cal. Jan. 9, 2007). All parties are to bear their own
4 costs and fees.

5 The motion for approval of settlement is **denied as moot**. The Clerk of Court is directed
6 to close the case.

7 This order resolves ECF Nos. 15 & 18.

8 IT IS SO ORDERED.

9 DATED: November 17, 2021.


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11 CHIEF UNITED STATES DISTRICT JUDGE